

**COPY**

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT NO. 1182**

706-0043

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the BNSF Railway Company ("Company"), the Mound Township Road District ("Road District"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

**WITNESSETH:**

WHEREAS, it has come to the attention of the Commission through application for assistance from the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety at the TR 406 (2000E) highway-rail grade crossing of the Company's track near Bushnell, McDonough County, Illinois, designated as crossing AAR/DOT #063 790G, railroad milepost 192.68-Q; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a diagnostic team comprised of a representative of the Company, the Department and the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossing upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossing should be:

- (a) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry.
- (b) Installation of temporary STOP signs at the Tr-406 (2000E) crossing within 30 days of a Commission Order for the installation of new automatic warning devices.

**DOCKETED**

Section 3 The Company has prepared detailed drawings, circuit plans, required specifications and a preliminary cost estimate to accomplish the proposed safety improvements, which may be required by Commission Order. The drawings, circuit plans, specifications, and cost estimate are attached and incorporated herein by reference as Exhibit B.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months from the date of a Commission Order approving this Agreement.

Section 5 The parties agree that an equitable division of cost for the proposed improvements is as follows:

**- COST DIVISION TABLE -**

IMPROVEMENT	EST. COST	GCPF	Road District	COMPANY
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$248,798	95% \$236,358 <sup>1</sup>	0% \$0	5% \$12,440 <sup>2</sup>
Install temporary STOP Signs, if ordered	No estimate required	\$0	\$0	100% <sup>3</sup>
<b>TOTALS</b>	<b>\$248,798</b>	<b>\$236,358</b>	<b>\$0</b>	<b>\$12,440</b>

Notes:

<sup>1</sup> Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$236,358; any installation costs above the estimated amount of \$248,798 will be divided between the GCPF and the Company in the same percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.;

<sup>2</sup> Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

<sup>3</sup> Company responsible for all future maintenance costs associated with the temporary STOP Signs, if ordered.

Section 6 The Road District is not financially able to bear an equitable portion of the cost for the proposed improvements, has requested relief from said costs, and has submitted documentation attesting to the Road District's inability to pay, attached and incorporated herein by reference as Exhibit C

Section 7 Special Provisions: The Company shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit D, along with this executed Agreement.

The Company shall, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibit D, regarding the progress it has made toward completion of the work required by this Agreement. Each Project Status Report shall include the Commission Order's docket number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name,

title, mailing address, phone number, facsimile number, and electronic mailing address of the Company Project Manager.

All bills for the warning device installation specified in Section 2 of this Agreement authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The Department shall not obligate any funds for the cost of proposed improvements described in this Agreement without prior approval by the Commission. The Commission shall, at the end of the 12<sup>th</sup> month from the completion date specified in the Commission Order approving this Agreement or any Supplemental Order(s) issued for this project, notify the Department to de-obligate all residual funds accountable for this project. Notification may be by regular mail, electronic mail, fax, or phone.

**SECTION 8 Billing:** For all work specified in Section 2 of this Agreement, and authorized by an Order of the Commission, the Company shall provide sufficient documentation for all bills. The minimum documentation requirements are:

- a) Labor Charges (including additives) - Copies of employee work hours charged to the railroad account code for the project.
- b) Equipment Rental - Copies of rental agreements for the equipment used, including the rental rate; number of hours the equipment was used and the railroad account code for the project.
- c) Material - An itemized list of all materials purchased and installed at the crossing location. If materials purchased are installed at multiple crossing locations, a notation must be made to identify the crossing location.
- d) Engineering - Copies of employee work hours charged to the railroad account code for the project.
- e) Supervision - Copies of employee work hours charged to the railroad account code for the project.
- f) Incidental Charges - An itemized list of all incidental charges along with a written explanation of those charges.
- g) Service Dates - Invoice should include the beginning and ending date of the work accomplished for the invoice.
- h) Final or Progressive - Each invoice should be marked as a Progressive or a Final Invoice.
- i) Reference Numbers - Each invoice should include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
- j) Locations - Each invoice should show the location, with the street name and AAR/DOT crossing inventory number.

Section 9 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 10<sup>th</sup> day of April 2006.



Michael E. Stead  
Rail Safety Program Administrator

Attest:



Henry Humphries  
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1181, executed by Commission staff on April 10, 2006, concerning improvements at the TR 406 highway-rail grade crossing of the BNSF Railway Company's track, near Bushnell, McDonough County, Illinois, designated as crossing AAR/DOT #063 790G, railroad milepost 192.68-Q.

Executed by Mound Township Road District this 15<sup>th</sup> day of MAY 2006.

MOUND TOWNSHIP ROAD DISTRICT

By: Harold Baker Jr.

Attest:

Tom Wilkerson

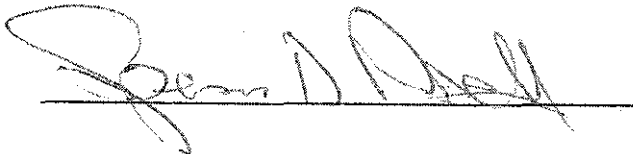
Illinois Commerce Commission Stipulated Agreement No. 1181, executed by Commission staff on April 10, 2006, concerning improvements at the TR 406 highway-rail grade crossing of the BNSF Railway Company's track, near Bushnell, McDonough County, Illinois, designated as crossing AAR/DOT #063 790G, railroad milepost 192.68-Q.

Executed by the BNSF Railway Company this 16<sup>th</sup> day of May 2006.

BNSF RAILWAY COMPANY

By: 

Attest:



Illinois Commerce Commission Stipulated Agreement No. 1181, executed by Commission staff on April 10, 2006, concerning improvements at the TR 406 highway-rail grade crossing of the BNSF Railway Company's track, near Bushnell, McDonough County, Illinois, designated as crossing AAR/DOT #063 790G, railroad milepost 192.68-Q.

Executed by the Illinois Department of Transportation this 22nd day of May 2006.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

  
By: Milton R. Sees, Director of Highways/Chief Engineer

**ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT  
CROSSING DATA FORM**

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	BNSF
<b>USDOT#, MILEPOST</b>	063 790G, 192.68-Q
<b>STREET, CITY, COUNTY</b>	TR-406 (2000E), near Bushnell, McDonough County
<b>JURISDICTION (RDWY)</b>	Mound Township
<b>LOCATION</b>	Rural, Commercial/Residential
<b>STREET SURFACE</b>	20' Oil/chip, Condition

**CROSSING DATA:** See Location Sketch for roadway profile and track centers

<b>TRACK (W-E or N-S)</b>	<b>SURFACE TYPE</b>	<b>SURFACE WIDTH</b>	<b>SURFACE CONDITION</b>
Main	FDT	48'	Fair

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	None
<b>TRAFFIC CONTROL</b>	None
<b>ADT &amp; SPEED</b>	200 Vehicles Per Day @ 55 MPH (unposted)
<b>TRAFFIC TYPE</b>	Passenger, School Buses, Hazardous Materials, All possible
<b>ADVANCE WARNING</b>	Yes
<b>PAVEMENT MARKING</b>	No

**RAILROAD DATA:** See Location Sketch

<b>FREIGHT TRAFFIC</b>	30-32 Per day @ 60 MPH, Day & Night? Yes
<b>PASSENGER TRAFFIC</b>	6 per day @ 79 MPH
<b>WARNING DEVICES</b>	Crossbucks

**NOTES:**



**VISIBILITY STUDY:** See Location Sketch

<b>Train Speed</b>	79	<b>MPH</b>
<b>Roadway Speed</b>	55	<b>MPH</b>
<b>Required Stopping Sight Distance (SSD)</b>		
<b>Along Roadway</b>	573	<b>FEET</b>
<b>Along Tracks</b>	938	<b>FEET</b>
<b>Required Clearing Sight Distance (CSD) (Along Tracks)</b>	1,918	<b>FEET</b>

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

<b>QUADRANT</b>	<b>CSD (FT)</b>	<b>OBSTRUCTION</b>	<b>SSD (FT)</b>	<b>OBSTRUCTION</b>
<b>NE</b>	OK*		OK*	#
<b>NW</b>	OK*		OK*	#
<b>SE</b>	OK*		OK*	#
<b>SW</b>	OK*		OK*	#

\*Note: The installation of automatic flashing light signals and gates eliminate the need to satisfy minimum Sight Distance criteria.

**APPROACH GRADES:** See Location Sketch

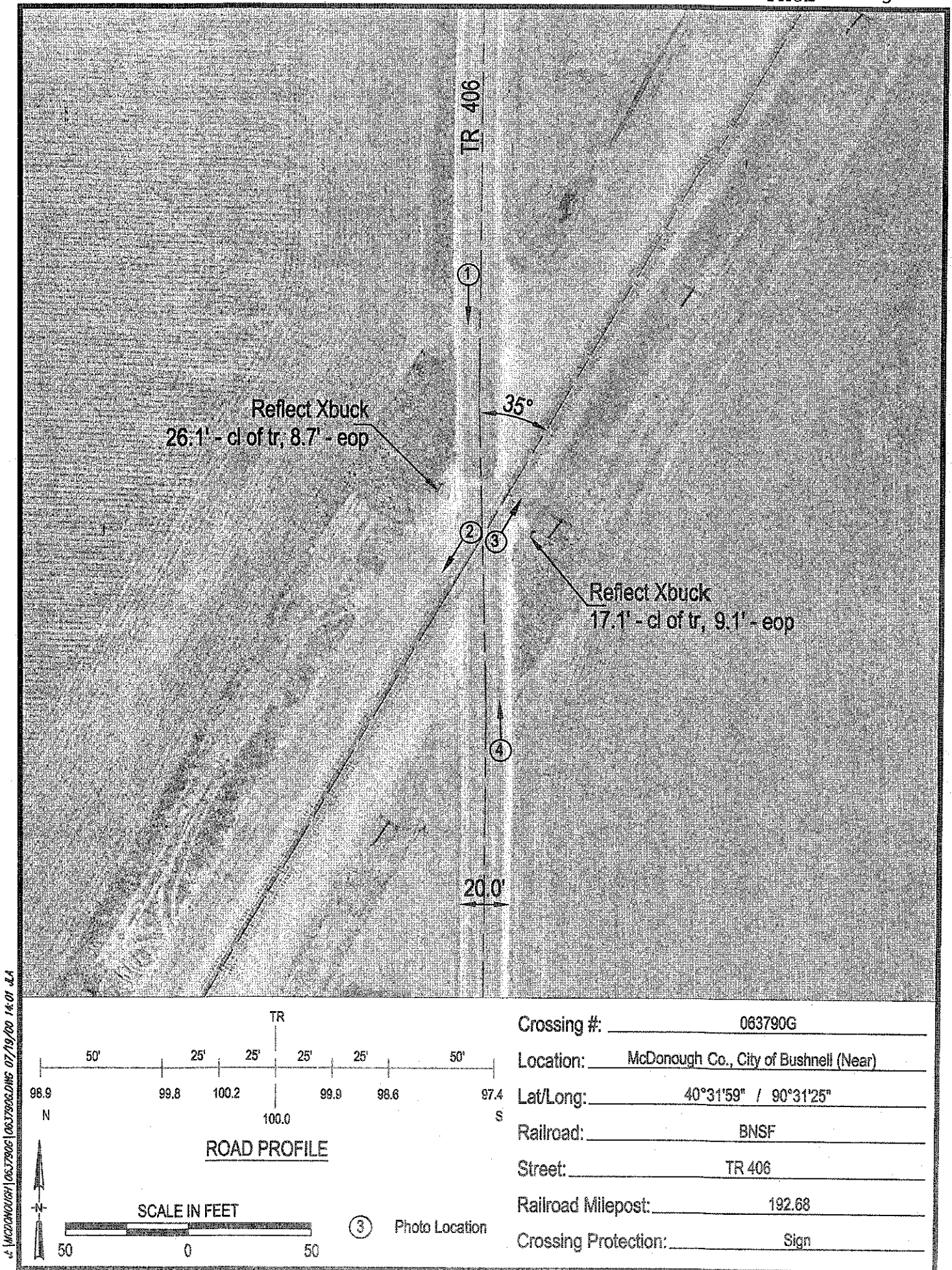
<b>DIRECTION: NORTH</b>			<b>DIRECTION: SOUTH</b>		
<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>	<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>

Distance measured from outermost rail.

**COMMENTS:** # - OK at the present time; if mature corn crops were in field, stopping sight distance would be restricted.

Mound Township Road District has submitted evidence to show that it cannot pay a portion of the costs for the improvement proposed for the subject crossing. In the interest of public safety, staff of the Illinois Commerce Commission's Rail Safety Section recommends that the Grade Crossing Protection Fund (GCPF) be used to pay 95% of the automatic warning device installation costs, with the CSX paying all remaining installation costs as well as all future operating and maintenance costs.

See Page 3 for an aerial view of the crossing.



\*\*\*\*\* MAINTAIN PROPRIETARY CONFIDENTIALITY \*\*\*\*\*

THE B. N. S. F. RAILWAY COMPANY  
PHPM ESTIMATE FOR  
ILLINOIS

LOCATION:- BUSHNELL TO WEST BUSHNELL DETAILS OF ESTIMATE PLAN ITEM: PSI063790G VERSION: 1

## PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING, FLASHERS WITH GATES AND 6 WIRE HOOK-UP AT TR 406 IN BUSHNELL,  
IL. CHICAGO DIV., BROOKFIELD SUBDIV., L/S 0011, M.P. 192.68, DOT # 063790G

MONTHLY POWER UTILITY COST CENTER: 61690

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTATIVE PACKAGES USED FOR ESTIMATING PURPOSE  
ONLY.THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE  
MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF  
RAILROAD.THIS ESTIMATE GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR  
MATERIAL, LABOR, AND OVERHEADS.

\*\*\*\*\* SIGNAL WORK ONLY \*\*\*\*\*

THE STATE OF ILLINOIS IS FUNDING APPROXIMATELY 95% WITH BNSF FUNDING APPROXIMATELY 5%  
OF THIS PROJECT.

## MAINTAIN PROPRIETARY CONFIDENTIALITY

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$
*****				
LABOR				
*****				
ELECTRICAL LABOR F/POWER TRANS SYS	54.00	MH	1,277	
SIGNAL FIELD LABOR - CAP	1168.00	MH	25,486	
SIGNAL SHOP LABOR - CAP	88.00	MH	1,989	
PAYROLL ASSOCIATED COSTS			23,193	
EQUIPMENT EXPENSES			7,198	
DA LABOR OVERHEADS			25,886	
INSURANCE EXPENSES			4,533	
TOTAL LABOR COST			89,562	89,562
*****				
MATERIAL				
*****				
BATTERY	1.00	EA N	7,820	
BUNGALOW 6X8	1.00	EA N	8,189	
BUNGALOW MATERIAL	1.00	LS N	7,600	
CABLE	1.00	EA N	3,311	
CABLE FOR DC WRAP CIRCUITS, SWITCH CONTROL	1.00	LS N	1,700	
CHARGERS	1.00	LS N	899	
CONDUIT, PVC 4", SCH 80	60.00	FT N	234	
CONSTANT WARNING	1.00	EA N	13,015	
CONSTANT WARNING 2-TRK "BI"	1.00	EA N	18,620	
DAX MODULE	2.00	EA N	2,340	
DAX RELAY	1.00	EA N	500	
DWBS	4.00	EA N	1,268	
FIELD MATERIAL	1.00	LS N	5,020	
FOUNDATION	2.00	EA N	970	
GATE KEEPER	2.00	EA N	3,550	
GATE MECH. MODEL 95 COMPLETE	2.00	EA N	10,718	
LAMP RESISTOR	1.00	EA N	735	
LED LIGHT COST ADJUSTMENT	10.00	EA N	2,240	
LED LIGHT GATE KIT	2.00	EA N	530	
LIGHT OUT DETECTOR	1.00	EA N	706	
LOAD, DUMMY, SIMULATED TRK.	1.00	EA N	412	
MATERIAL FOR ELECTRICAL	1.00	EA N	1,500	
MP 192.41 MISC WIRING MATERIAL AND RELAYS	1.00	LS N	1,250	
RECORDER	1.00	EA N	2,145	
RTU-6, CELLULAR MONITOR	1.00	EA N	2,060	
SHUNT, NBS	4.00	EA N	2,116	
SIDE LIGHT	1.00	EA N	708	
SURGE ARRESTER, TSA-1	2.00	EA N	260	
USE TAX			5,577	

## OFFLINE TRANSPORTATION

1,250

*****		TOTAL MATERIAL COST	108,243	108,243
*****		OTHER		
*****				
AC POWER SERVICE	1.00 EA		20,000	
CONTRACT ENGR.	1.00 EA N		6,000	
FILL DIRT	25.00 CY N		625	
SURFACE ROCK	25.00 CY N		625	
		TOTAL OTHER ITEMS COST	27,250	27,250
		PROJECT SUBTOTAL		225,055
		CONTINGENCIES		22,505
		BILL PREPARATION FEE		1,238
		GROSS PROJECT COST		248,798
		LESS COST PAID BY BNSF		12,440
		TOTAL BILLABLE COST		236,358

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## The Burlington Northern &amp; Santa Fe Railway Company

TO QUINCY

EASTWARD APPR. 3530'

75 MPH

120' MIN.

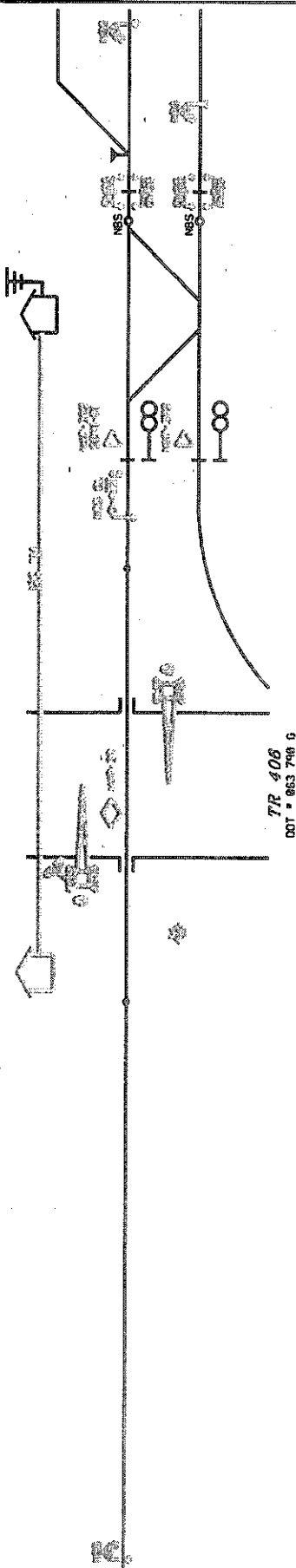
25'

50' MIN.

WESTWARD APPR. 3530'

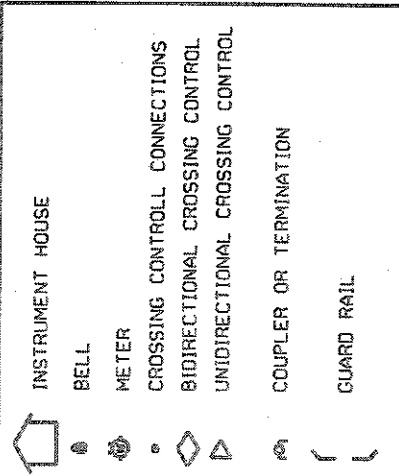
75 MPH

TO CALESBURG



INSTALL: GATES & FLASHERS  
CONTROL DEVICES: CONSTANT WARNING

INSTRUMENT HOUSE  
BELL  
METER  
CROSSING CONTROL CONNECTIONS  
BIDIRECTIONAL CROSSING CONTROL  
UNIDIRECTIONAL CROSSING CONTROL  
COUPLER OR TERMINATION  
GUARD RAIL



Warning device placement:  
Clearance to C.L. Track = Min. 12'  
Edge of Road to C.L. Foundation:  
Min. 4'3" with curb,  
Min. 8'3" without curb,  
Max. 12'  
25' Min. to Near Rail  
30' Min. to Edge of Road  
ALL LIGHTS TO BE LED

House Clearance:

BNSF RAILWAY CO.

BUSHNELL ILL.

TR 406

LS: 0011

M.P. 192.68

DOT # 063 790 G

DIVISION CHICAGO

SUBDIVISION BROOKFIELD

KANSAS CITY

NO SCALE

DATE: 03/24/06

FILE: 0011192.68.dgn

DHP/SJS

ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT

Date 15 May 06

Agreement # 1182

The MOUND TOWNSHIP BOARD  
(Board or Council of Township/Road District)

meeting on \_\_\_\_\_, Resolved to authorize HAROLD BAKER, ROAD COMMISSIONER  
(Date) (Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and

that the TOWNSHIP is financially unable to pay a  
(Township/Road District)

portion of the cost for the proposed improvements outlined in Section 2 of this Agreement.

# PROJECT STATUS REPORT

**TYPE: (CHECK ONE)**

PROGRESS	
COMPLETION <sup>1</sup>	

DATE	
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**PROJECT INFORMATION:**

Reporting Party:	BNSF Railway Company
Docket/Order #: Date:	
Status Reports Due:	
Ordered Completion Date:	
Completion Report Due <sup>1</sup> :	
AAR/DOT#, RR Milepost:	063 790G, 192.68-Q
Street, (in/near) City, County:	TR-406 (2000E), near Bushnell, McDonough County
Railroad Company:	BNSF

<sup>1</sup>Completion reports involving changes to the railroad crossing must include an updated USDOT Inventory Form.

**PROJECT MANAGER INFORMATION<sup>2</sup>:**

Name:	Mark Leemon
Title:	Public Project Manager
Representing:	BNSF Railway Company
Street Address:	80-44 <sup>th</sup> Street
City, State, Zip:	Minn., MN 55421
Office Phone:	763-782-3468
Office Fax:	763-782-3061
Cellular Phone:	952-356-5787
E-Mail Address:	Mark.leemon@bnsf.com

<sup>2</sup>Project Manager Information to be submitted by the BNSF Railway Company

**DESCRIPTION OF IMPROVEMENTS ORDERED:**

Install automatic warning device improvements at the TR-406(2000E) rail-highway grade crossing of the BNSF Railway Company's tracks [N] Bushnell, McDonough County, Illinois.

**STATUS OF WORK:** (use additional blank sheet, if necessary)

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Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701

If you have questions contact:

Henry Humphries, Railroad Safety Specialist  
Phone: 217/785-8423  
Email: [hhumphri@icc.illinois.gov](mailto:hhumphri@icc.illinois.gov)

A **Form 3 Petition** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

<http://www.icc.state.il.us/hg/library.aspx?key=Railroad%20Safety>

**United States Department of Transportation Inventory Form #6180.71** can be obtained on the web at:

<http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW Washington, DC 20590	<b><u>And</u></b>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway, Room 318 Springfield, IL 62764
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